

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**BETTY LIVERMORE, wife; and RON
LIVERMORE, husband;**

Plaintiffs,

vs.

WALMART, INC., a foreign corporation;

Defendant.

8:21CV425

**AMENDED
CASE PROGRESSION ORDER**

This matter comes before the Court on the parties' Stipulated Motion to Extend the Expert Witness Deadlines ([Filing No. 13](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Stipulated Motion to Extend Expert Witness Deadlines ([Filing No. 13](#)) is granted, and the case progression order is amended as follows:

- 1) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiffs:	July 1, 2022
For the defendant:	July 15, 2022
For rebuttal:	August 1, 2022

- 2) The deadlines for completing expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiffs:	July 1, 2022
For the defendant:	August 15, 2022
For rebuttal:	August 29, 2022

- 3) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **August 29, 2022**. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendant as a group is **five (5)**.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 4) The planning conference scheduled for July 22, 2022, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **September 2, 2022**, at **11:30 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **September 15, 2022**.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is **September 30, 2022**.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 1st day of June, 2022.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge